

EXECUTIVE ORDER NO. 09-08

WHEREAS, the widespread impact of the collapse of the financial market and global economic recession have caused constantly decreasing revenue projections by the Council on Revenues that have forced the State of Hawaii to make drastic revenue and expenditure adjustments to close major budget shortfalls of unprecedented proportions; and

WHEREAS, despite such adjustments, there still remains a major budget shortfall for the fiscal biennium July 1, 2009 through June 30, 2011; and

WHEREAS, under chapter 89C of the Hawaii Revised Statutes (HRS), the Governor has been granted the authority to make adjustments to the wages, hours, benefits, and other terms and conditions of employment for elected and appointed officials and excluded public officers and employees in the executive branch; and

WHEREAS, for excluded employees, who are civil service employees under the same classification systems as employees within collective bargaining units, chapter 89C requires that the adjustments be "not less than" those provided under the collective bargaining agreements for employees hired on a comparable basis; and

WHEREAS, chapter 89C also requires that the adjustments for excluded civil service employees result in compensation and benefit packages that are "at least equal to" the compensation and benefit packages provided under collective bargaining agreements for counterparts and subordinates within the Employer's jurisdiction; and

WHEREAS, the State, Judiciary, Hawaii Health Systems Corporation, City and County of Honolulu, and Counties of Hawaii, Maui and Kauai have entered into agreements with the Hawaii Government Employees Association (HGEA), as the exclusive

representatives for Bargaining Units (BUs) 02, 03, 04, 09 and 13, for the July 1, 2009 through June 30, 2011 collective bargaining agreements and the State has also entered into a supplemental agreement with HGEA for the same period; and

WHEREAS, pursuant to the supplemental agreement furloughs will be imposed on employees in BUs 02, 03, 04, 09 and 13; and

WHEREAS, the furloughs should also apply to civil service employees within the Executive Branch who are excluded from BUs 02, 03, 04, 09 and 13;

NOW, THEREFORE, I, Linda Lingle, Governor of Hawaii, pursuant to my executive authority, Articles V and VII of the Constitution of the State of Hawaii, the provisions of Chapters 37 and 89C, Hawaii Revised Statutes, and all other applicable authority, do hereby order, effective October 1, 2009, the furlough of all State Executive Branch civil service employees who are excluded from collective bargaining except: (1) those executive branch employees employed by the Department of Education, the University of Hawaii, the Hawaii Health Systems Corporation, the Research Corporation of the University of Hawaii, the Hawaii State Public Library System, State of Hawaii charter schools; and those employees of the Office of Elections in position numbers 032781, 032775 and 024407 ; (2) those executive branch employees whose furloughs by me are prohibited by federal law, if any, who will be later explicitly identified; (3) those executive branch employees whose furloughs by me are prohibited by state law, if any, who will be later explicitly identified; and (4) those executive branch employees who I later determine and designate should not be furloughed, should have furloughs of less than the amount described herein, or should not be furloughed during certain periods – all in accordance with the terms and conditions set forth in the following agreements with HGEA and the State of Hawaii Furlough Plan dated October 14, 2009:

1. Memorandum of Agreement for BUs 2, 3, 4, 9, and 13 Collective Bargaining Agreement Effective July 1, 2009 Through June 30, 2011; and
2. Supplemental Agreement, Furloughs, HGEA Bargaining Units 2, 3, 4, 9 & 13.

IT IS FURTHER ORDERED that these provisions are subject to amendment by Executive Order; and

IT IS FURTHER ORDERED that Executive Order No. 09-02 and Executive Order No. 09-03 are hereby rescinded and are of no further force and effect; and


IT IS REQUESTED that other entities of State government, including the Judiciary, the Office of Hawaiian Affairs, and the Legislature implement similar furlough programs or restrict their respective budgets to achieve equivalent savings through the fiscal biennium 2009-2011.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 22nd day of
October, 2009.


LINDA LINGLE
Governor of Hawaii



APPROVED AS TO FORM:


MARK J. BENNETT
Attorney General